



8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 JOSE REYES-FIGUEROA

15 Defendant.
16

Case No.: CR 17-2024M

ORDER OF DETENTION

17 I.

18 A. () On motion of the Government in a case allegedly involving:

19 1. () a crime of violence.

20 2. () an offense with maximum sentence of life imprisonment or death.

21 3. () a narcotics or controlled substance offense with maximum sentence
22 of ten or more years.

23 4. () any felony - where defendant convicted of two or more prior offenses
24 described above.

25 5. () any felony that is not otherwise a crime of violence that involves a
26 minor victim, or possession or use of a firearm or destructive device
27 or any other dangerous weapon, or a failure to register under 18
28 U.S.C. § 2250.

1 B. (x) On motion by the Government/() on Court's own motion, in a case
2 allegedly involving illegal alien found in the United States following
3 deportation:

4 (x) On the further allegation by the Government of:

5 1. (x) a serious risk that the defendant will flee.

6 2. () a serious risk that the defendant will:

7 a. () obstruct or attempt to obstruct justice.

8 b. () threaten, injure or intimidate a prospective witness or
9 juror, or attempt to do so.

10 C. The Government () is/(x) is not entitled to a rebuttable presumption that no
11 condition or combination of conditions will reasonably assure the defendant's
12 appearance as required and the safety of any person or the community.

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14 **II.**

15 A. (x) The Court finds by a preponderance of the evidence that no condition or
16 combination of conditions will reasonably assure:

17 (x) the appearance of the defendant as required.

18 (X) and/or

19 (x) The Court finds by clear and convincing evidence that no condition or
20 combination of conditions will reasonably assure:

21 (x) the safety of any person or the community.

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23 B. () The Court finds that the defendant has not rebutted by sufficient evidence to
24 the contrary the presumption provided by statute.

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26 **III.**

27 The Court's findings are based on the evidence which was presented in Court, the
28 information contained in the Pretrial Services Report, and a consideration of the

1 following:

- 2 A. (X) the nature and circumstances of the offense(s) charged, including whether
3 the offense is a crime of violence, a Federal crime of terrorism, or involves
4 a minor victim or involves a controlled substance, firearm, explosive, or
5 destructive device;
- 6 B. (X) the weight of evidence against the defendant is high;
- 7 C. (X) the history and characteristics of the defendant as set forth below in section
8 V; and
- 9 D. (X) the nature and seriousness of the danger to any person or the community as
10 set forth below in section V .

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12 **IV.**

13 The Court also has considered all the evidence adduced at the hearing and the
14 arguments and/or statements of counsel, and the Pretrial Services
15 Report/recommendation.

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17 **V.**

18 The Court bases the foregoing finding(s) on the following:

- 19 A. (x) As to flight risk:

20 Defendant was previously convicted of illegal entry n 2007, has no legal status in the United
21 States and has used several aliases. turned to the United States without permission before being found and
22 charged with the instant offense. Thus, Defendant has not demonstrated a willingness to abide by court
23 orders and the Court is not convinced that the defendant will abide by its order to appear for future court
24 appearances if released on bail. Moreover the prospective penalty that defendant faces, if convicted of the
25 charged offense, supports a finding that release on bail will pose a flight risk because defendant will likely
26 be deported after serving the sentence imposed, and the Court finds that, in conjunction with the other
27 factors noted above, this will provide an incentive to flee the jurisdiction.

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B. (x) As to danger:

Defendant's criminal history includes convictions for felony offenses involving drugs, assault and felon in possession of a firearm.

The Court finds that release on bail would pose a danger to others and to the community.

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2 **VI.**

- 3 A. () The Court finds that a serious risk exists the defendant will:
4 1. () obstruct or attempt to obstruct justice.
5 2. () attempt to/ () threaten, injure or intimidate a witness or juror.
6 B. The Court bases the foregoing finding(s) on the following:

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8 _____
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11 **VII.**

- 12 A. IT IS THEREFORE ORDERED that the defendant be detained prior to trial.
13 B. IT IS FURTHER ORDERED that the defendant be committed to the custody of the
14 Attorney General for confinement in a corrections facility separate, to the extent
15 practicable, from persons awaiting or serving sentences or being held in custody
16 pending appeal.
17 C. IT IS FURTHER ORDERED that the defendant be afforded reasonable opportunity
18 for private consultation with counsel.
19 D. IT IS FURTHER ORDERED that, on order of a Court of the United States or on
20 request of any attorney for the Government, the person in charge of the corrections
21 facility in which defendant is confined deliver the defendant to a United States
22 marshal for the purpose of an appearance in connection with a court proceeding.

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25 DATED: August 15, 2017

/s/
ALKA SAGAR
UNITED STATES MAGISTRATE JUDGE